


AUG 29 2024

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
TEXAS DEPUTY CLERK

EL PASO DIVISION

JACOB BARRERAS,  
Plaintiff,

v.

JUDGE KATHLEEN CARDON

PHOENIX MANAGEMENT SOLUTIONS,  
AND JOHN DOE, AN UNKNOWN DEFENDANT,  
Defendants.

EP 24 CV 0309

Case No.:

## COMPLAINT FOR VIOLATIONS OF THE AMERICANS WITH DISABILITIES ACT

### Introduction

1. This is an action for violations of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 et seq., by Phoenix Management Solutions and an unknown defendant, referred to herein as John Doe. Plaintiff Jacob Barreras seeks injunctive relief, declaratory relief, and compensatory damages.

### Jurisdiction and Venue

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, as this case arises under the laws of the United States, specifically the ADA.
3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the events giving rise to this claim occurred within the Western District of Texas.

### Parties

4. Plaintiff, Jacob Barreras, is a resident of El Paso, Texas, and is a qualified individual with disabilities as defined by the ADA.
5. Defendant, Phoenix Management Solutions, is a collection company conducting business in the state of Arizona.
6. Defendant, John Doe, is an unknown entity represented by Phoenix Management Solutions, whose identity is currently unknown to the Plaintiff.

### Factual Allegations

7. On multiple occasions, Phoenix Management Solutions has contacted Plaintiff regarding an alleged outstanding debt.

8. Plaintiff has requested that all communications regarding the alleged debt be sent to him in writing, as well as requested ADA accommodations for effective communication, including the use of his cell phone as a medical device.
9. Despite these requests, Phoenix Management Solutions has failed to provide any documentation in writing regarding the alleged debt.
10. Phoenix Management Solutions has also failed to provide the requested ADA accommodations, repeatedly hanging up on Plaintiff during phone calls, thereby denying him access to information and communication in violation of the ADA.
11. The actions of Phoenix Management Solutions and its unknown client have caused Plaintiff significant distress, impairing his ability to manage his medical conditions and effectively respond to the alleged debt.

### **Claims for Relief**

#### **Count I: Violation of the Americans with Disabilities Act**

12. Plaintiff incorporates by reference the allegations set forth in Paragraphs 1 through 11 as though fully set forth herein.
13. Defendants' failure to provide reasonable accommodations to Plaintiff, including the refusal to communicate in writing and hanging up on Plaintiff during phone calls, constitutes discrimination on the basis of disability in violation of the ADA.
14. As a direct and proximate result of Defendants' actions, Plaintiff has suffered and continues to suffer harm, including but not limited to emotional distress, frustration, and the denial of his right to effective communication.

### **Prayer for Relief**

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that Defendants have violated the ADA by failing to provide reasonable accommodations to Plaintiff;
- B. Issue an injunction requiring Defendants to provide the requested ADA accommodations, including communication in writing and effective phone communication;
- C. Award Plaintiff compensatory damages in an amount to be determined at trial;
- D. Award Plaintiff reasonable attorneys' fees and costs associated with this action; and
- E. Grant such other and further relief as the Court deems just and proper.

### **Jury Demand**

Plaintiff demands a trial by jury on all issues so triable.

**Respectfully submitted,**

A handwritten signature in black ink, appearing to read 'J. Barreras', with a large, stylized initial 'J'.

**Jacob Barreras**

2211 E. Missouri Ave # 221

El Paso, TX 79903